

REMARKS

In accordance with the foregoing, the specification and claim 23 have been amended. Claim 22 has been formally cancelled. Claims 1-21 and 23-25 are pending and under consideration.

In the Office Action, the Examiner notes that the application did not contain claim 22. In order to eliminate confusion during future prosecution, claim 22 has been labeled as "cancelled."

Claim 23 is rejected under 35 USC § 112, second paragraph for indefiniteness. Claim 23 has been amended to address this rejection.

Claims 1-11, 13-21, 23 and 25 are rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,953,530 to Rishi et al.

Rishi et al. discloses a "debugger Run-Time-Checking for valid memory accesses for multi-threaded application programs" (hereinafter "RTC/MT") wherein a run-time process which includes multiple threads running either serially or concurrently, may be monitored by a debugger program and memory access errors detected and correctly attributed to the process thread encountering the error. The RTC/MT system of the present invention also provides an apparatus and method which monitors and reports memory leaks as required for multi-threaded target programs. See Abstract.

The present invention answers the question of after a process employing an operating means of a computer system has ended, is the operating means of the computer system locked or available. For this purpose, the invention determines state vectors before the process is brought into operation and after the process has ended. The invention determines whether the operating means is available by comparing the two state vectors.

Rishi et al., on the other hand, monitors a target program (see column 2, line 62) while the target program is running to identify impermissible access of the target program to operating means of the computer system. For this purpose, the status of the memory allocated to the process is monitored in order to discover illegal access to non-allocated memory. See column 2, line 64 through column 3, line 2. Modifications of the allocated memory and the stacker are thereby detected by comparing the size of the stack before and after an access during the performance of the process. See column 13, lines 56-67.

Rishi et al. is different from the claimed invention for the following reasons. (1) Rishi et al. does not disclose state vectors by means of which an unambiguous conclusion is made regarding whether the operating means is available. (2) Rishi et al. does not disclose that a first

state vector is determined before setting a process into operation. (3) Rishi et al. does not disclose that a second state vector is determined after a process is finished. (4) Rishi et al. does not determine whether an unassignable operating means has resulted, using the above process.

The Examiner appears to recognize that the claims require forming a state vector before a process is put into operation. However, the Examiner does not recognize that Rishi et al. is different in this regard. Perhaps the word "process" in claim 1 has caused confusion. However, independent claim 23 uses the term "program," and claim 23 has not been allowed. It should be noted that Rishi et al. also uses the term "program." Therefore, the only way the Examiner could read claim 23 onto Rishi et al. would be if the Examiner assigned a first definition to the term "program" in claim 23 and then assigned a second definition to the term "program" in Rishi et al. If the Examiner does not withdraw the rejection, clarification and suggestions are requested.

Claims 12 and 14 are rejected under 35 USC § 103(a) as being obvious over Rishi et al. in view of U.S. Patent Publication No. 2004/0031030 to Kidder. Kidder is simply cited for the rebooting limitations of claims 12 and 24. Kidder does not compensate for the deficiencies discussed above with regard to Rishi et al. Furthermore, it is submitted that it would not have been obvious to combine the references. Kidder discloses rebooting, but Rishi et al. relates to dynamic patching or rapid debugging. It is not seen that there is any need for the system of Kidder in Rishi et al. Even if the references were combined, the present invention would not result. Accordingly, it is submitted that the obviousness rejection should be withdrawn.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8(a)

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